



# Lamoine Board of Selectmen

## Draft

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

## Minutes – November 3, 2016

Chair Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen S. Josephine Cooper, Gary McFarland, Nathan Mason, Kathleen Rybarz, Robert Christie; Administrative Assistant Stu Marckoon, Planning Board Chair John Holt, Code Enforcement Officer Rick Gallegos and Plumbing Inspector Michael Jordan

**Agenda Review** – No changes were proposed to the printed agenda or addendum.

**Minutes – October 20, 2016** – Kathleen moved to approve the minutes as presented. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 8-** Selectmen signed the warrant in the amount of \$142,381.93. Stu reported that \$100,000 will have to be moved from investments to cover the checks, the bulk of which are for the school department.

**Cash & Budget Reports** – Jo asked if planned road maintenance is on schedule. Stu reported that both McMullen Landscaping and Jay Fowler & Son have progressed well on an aggressive maintenance schedule.

**Checking Account Reconciliation Review** – Selectmen signed the form expressing satisfaction with the checking account reconciliation which had been e-mailed prior to the meeting.

**Buttermilk Road Tree Trimming Bids** – Stu reported receiving two bids for the project. He read the proposals aloud as follows:

Weber Tree Service, Inc. \$7,200.00

Berry Cove Gardens, Inc. \$9,900.00

Jo moved to award the project to Weber Tree Service. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0 (Rybarz abstained).**

**MacQuinn v. Town – Court Hearing** – Bob asked what time the hearing would be. It was answered as 10AM. Kathleen said she would be able to attend. Bob said he expects this will likely be continued to a future time and he might be available. Stu reported that he's unable to attend as he is the only one in the town office that week, but he would contact town attorney Dan Pileggi and let him know that Kathleen and Bob would like to go.

**Planning Board Complaint/Meet with Code Enforcement Officer** – Gary summarized a memorandum prepared for a draft notice of violation, saying the proper thing to have happened would be to amend the subdivision back in 2011 when the out-sale of property created another subdivision lot. He said the subsequent amendment has not been filed with the Registry of Deeds and asked if it was up to the recent purchasing family (the Hoogerhydes). CEO Rick Gallegos said the Hoogerhydes have not been contacted in

regard to that. Stu said the draft notice of violation would require the subdivision developer, SARJOY, Inc., to file the amendment to the subdivision.

Jo asked what the draft notice of violation would realistically accomplish. Nathan asked how SARJOY would go about getting an approved amendment to the subdivision. Planning Board chair John Holt said he's not sure that SARJOY would have standing to do so. He said that some things could be negotiated, but SARJOY should be held accountable. A brief discussion followed regarding what sort of amended subdivision could be accomplished.

Mr. Holt said the violation is well documented and suggested the town should call for a fine. Stu said a fine is the last step in the violation process – the alleged violator has to be ordered to remedy the violation, and a fine can be imposed only if they fail to do so.

Nathan said as the draft notice of violation is worded, he would not approve it. Jo said the town has an ordinance which at the time of the violation was ignored, and the town approved things as time went along. A brief discussion followed on the requirements for an 11-lot subdivision vs. a 12-lot subdivision.

Mr. Holt said transfers to new owners have created the problem. He suggested that a requirement would be to grant a corrective deed to the new owners. Jo said she can't see how to word the notice of violation. Nathan said the Maine Municipal Association manual suggests giving an oral notice first. Mr. Holt said he spoke with the president of SARJOY, Inc. a few months ago and he was defiant. Nathan said he would like to meet with Mr. Joy, and further discussion followed on what needs to be done.

Mr. Holt said the genuine corrective action would be to file an amendment to the subdivision. Nathan asked if that would be a request to give extra land to the subdivision. Stu said the board is venturing into an area where it needs an attorney and he is really uncomfortable with the discussion. Bob said he would like to put back on the table getting advice from an attorney. He said it makes sense to try to find a simple way to handle things. Nathan said any oral notice of violation has to come from the Code Enforcement Officer, and if there is no response, then a written notice would be issued. Jo asked who would consult with the attorney. Gary said it should be Rick, with Stu possibly assisting.

Kathleen moved to authorize CEO Gallegos to meet with the town attorney to seek advice on how to proceed with this matter. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Code Enforcement Officer Hours** – Gary said the proposal is for the Code Enforcement Officer to hold office hours on Mondays from 9am to 11am instead of from Noon to 2PM. There was no objection to the proposal which will start next Monday.

**Ordinance Amendments – Conservation Commission Ordinance** – Selectmen reviewed the proposed changes drafted by Commission chair Larry Libby. Kathleen explained that education has become part of the Conservation Commission's mission, and they wished to define the relationship with the Planning Board. There was a brief

discussion about the proposed changes and the activities that the Conservation Commission is authorized to do. Jo said it appears to be the scope of the Conservation Commission that is in question, and that need to be identified. She said there seems to be more to the commission than thought. Stu offered to draft up an amended ordinance for next meeting. There was no objection. Stu said he would share the draft with the Commission prior to the Selectmen's meeting.

Building and Land Use Ordinance – Stu said the proposal from the Planning Board corrects several references in the ordinance subtext that somehow did not get corrected while the ordinance was amended a while back. Selectmen had no objection to placing that on the annual town meeting warrant.

**Cable TV Franchise Renewal** – Stu reported that he had communicated several issues with a proposed franchise renewal agreement to the town attorney and awaited further comment from the technology committee and the Selectmen. There were no additional concerns from the Selectmen

**CTV – School Wiring** – Selectmen reviewed the proposal draft from Stu and the technology committee and there were no objections to submitting that to the proposed wiring vendor.

**Board Chair Meeting Follow Up** – Gary said it was a very good discussion and brought some things to light, especially with Shellfishing. Plumbing Inspector Michael Jordan said a state team surveying the shore line in Lamoine has issued several reports to him to ask that he inspect septic systems belonging to people who did not wish to participate in the survey. He said the state seemed to be a bit deceptive when approaching the home owners, not telling them that refusal to participate would result in the LPI visiting. He said he got chewed out a couple of times by people he visited. Mr. Jordan noted that there was a closure of the Shellfishing flats off Ash Lane, and the homeowners are working on that, and while it may not clean up very fast, a contractor should be there next week. He said that he would be writing up at least one more violation, and he has to go and look at each item reported by the Department of Marine Resources and write up a report. Bob said he was curious about how the entire process worked. There was a brief discussion about the Mud Creek area.

The Board said it would like to do a similar meeting in about 6-months, after the annual town meeting.

**Goals** – Jo asked to add an item to the age friendly goals details, and that was to see if there is interest in forming a task force of sorts to bring some recommendations forward. Stu asked who would, for lack of a better term, sponsor such a committee. Jo said it would be the Board of Selectmen. She said she'd like to see who is interested. There was no objection.

**Municipal Review Committee Board Vote** – Jo moved to cast the town's vote for Chip Reeves. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0 (Christie abstained).**

**Holiday Schedule** – As both Christmas and New Year's Day fall on a Sunday this season, the Selectmen said the town office should be closed on both Christmas Eve and New Year's Eve, as well as the Mondays following each holiday. The transfer station will be open as normal, and it will be determined when an extra pickup would be needed to deal with the larger than anticipated trash load from Christmas.

**Vacation** – Stu reported town clerk Jennifer Kovacs will be out the week of November 14-18 as she is getting married on the 12<sup>th</sup>.

**Meeting Schedule** – The Board will hold regular meetings on November 17, December 1 & 15, January 12 & 26 and February 9 & 16.

**Budget Workshop** – Selectmen held a budget workshop addressing the Administration, Fire, Solid Waste, Roads and Revenue budgets.

There being no further business, the meeting adjourned at 8:40 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.